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MIRABEAU BUONAPARTE LAMAR

A. K. CHRISTIAN

About the time Treat began his negotiations in Mexico, James Hamilton, who had already been in Europe on a mission for Texas, was appointed a commissioner to secure a loan of five million dollars in Europe. He was to miss no opportunity of securing pacification with Mexico, and was authorized to enter into any treaty of amity, commerce and boundaries with Mexico, using money already agreed upon by Congress and the President in settlement of the claims of Mexican bondholders, with whom he was empowered to enter into an agreement. After numerous delays Hamilton arrived in London on September 27, 1840. He found no possible chance of treating with Mexico at that place. On November 13, 1840, he entered into a treaty of amity, commerce, and navigation with Great Britain, which carried with it recognition of Texan independence.⁶² The following day he signed a convention providing for British mediation with Mexico. By this convention Texas agreed that if by means of the mediation of Great Britain, an unlimited truce should be established between Mexico and Texas within thirty days after notice of the convention was communicated to Mexico, and if within six months thereafter Mexico should have concluded a treaty of peace with Texas, then the Republic of Texas would take over five million dollars of Mexican bonds.⁶³

These two treaties arrived in Texas and were communicated to the Senate on January 25, 1841, and promptly ratified.⁶⁴ As a result of this, hoping that a recognition of Texan independence by Great Britain and a formal convention providing for mediation would influence the attitude of the Mexican government, Lamar determined to send a third mission to Mexico, and this time his choice fell upon James Webb, who had succeeded Bee as secretary of state in February, 1839, and was at that time attorney-general. Lamar was absent from the seat of government when these treaties were ratified, and while unsuccessful efforts were being made to secure the authorization of a force for offensive operations against

⁶²Gammel, *Laws of Texas*, II, 880-885.

⁶³*Ibid.*, II, 886; *British and Foreign State Papers*, XXIX, 84.

⁶⁴*Secret Journals of the Senate*, 195.

Mexico. He returned about the middle of February and immediately began making preparations for sending the mission.

Webb's commission was dated March 22, 1841. Webb was appointed a minister plenipotentiary, but in case he should not be received an alternative commission was prepared appointing him an agent for the purpose of entering into negotiations. The instructions were similar to those of the preceding agents, the only difference being a reference to the convention with Great Britain providing for mediation. A naval vessel was placed at his disposal, and he was to proceed at once to Vera Cruz, but if Mexico showed no indications that she wished to begin negotiations he was to terminate his mission at once.⁶⁵ The usual delay took place, and Webb did not arrive off Vera Cruz until May 31, when he addressed a note to the commandant at Vera Cruz asking permission to land, and that he be furnished with passports to proceed to the city of Mexico. This request was courteously refused.⁶⁶

Upon the refusal of the commandant to allow him to land, Webb addressed a note to Pakenham requesting his intervention with the Mexican authorities.⁶⁷ Pakenham was so good as to comply with the request, and wrote to the secretary of state urging that an effort be made to come to agreement with the Texan authorities. The secretary of state responded on June 8, declining to consider any proposal which looked to the dismemberment of Mexico. After expressing appreciation for the friendly interest of the British government, Camacho declared that the President could not depart from the principles of honor and justice which prohibited him from recognizing a dismemberment of the territory.⁶⁸ Webb returned to Galveston June 29, and reported his failure to Lamar. Upon receipt of this information, Lamar took immediate steps to enter into an alliance with Yucatan in an offensive war against Mexico.

2. *The Federalists and the Alliance with Yucatan*

The relations of the Texans with the Federalists on the Rio Grande, the battle of Alcantro, in which a number of Texans par-

⁶⁵Garrison, *Dip. Cor. Tex.*, 733-736.

⁶⁶Webb to Mora and Mora to Webb, May 31, 1841, Garrison, *Dip. Cor. Tex.*, II, 752-753.

⁶⁷Webb to Pakenham, June 1, 1841, *Ibid.*, II, 755.

⁶⁸Camacho to Pakenham, June 8, 1841, (Translation) *Dip. Cor. Tex.*, II, 758.

ticipated, and the proclamation of Lamar on December 21, 1839, warning Texans against participating with the Federalists against the Central Government have been noted. That the Government of Texas was really neutral, while perhaps sympathizing with the Federalists, there can be no doubt. In order to get the proclamation of neutrality to the Texans in the Federalist army, the assistant adjutant general, Colonel Benjamin H. Johnson, accompanied by a small body of troops, was sent across the Rio Grande to the Federalist camp, and communicated the sentiments of the Government to the Texans assembled there. On his return he was captured by a body of Mexicans, and he and his party were put to death. In spite of this, however, the Texan authorities refused to begin active hostilities. It was used as another count against Mexico, however, and given as an instance of the desire of Texas to avoid war. Writing to Treat in Mexico City regarding this incident, Burnet said:

This is an event not calculated to assuage the feelings of a people already provoked by unwarranted and unchristian massacres, or to soften the rigors of the war should it be actively renewed. But inasmuch as this atrocity is reported to have been perpetrated by a desultory band of ruffians without the express authority of the Government, the President will not regard it as an insuperable obstacle to the proposed negotiation. But it may be considered as an infallible assurance, that if hostilities are to continue, they will be conducted with increased animation by an indignant people who know how to avenge a wrong which they would never commit.⁶⁹

Notwithstanding the public sentiment in favor of joint action with the Federalists, and the participation of a good number of Texans in their campaigns, the attitude of the Government remained perfectly correct. The experiences of the Texans who ignored the advice of their Government was ample justification for the Government's position.⁷⁰

⁶⁹Burnet to Treat, March 12, 1840, Garrison, *Dip. Cor. Tex.*, II, 582.

⁷⁰Yoakum, *History of Texas*, II, 288-299, and Bancroft, *North Mexican States and Texas*, II, 326-332, give a full account of the "Republic of the Rio Grande," the Federalist campaigns of 1840, and their final betrayal of the Texans who were aiding them. I shall not follow in detail the campaigns. The statement of Von Holst that Lamar recognized the "Republic of the Rio Grande," is absurd. He allowed Canales an asylum in Texas when he was defeated, but he certainly did not recognize any claim of the Mexicans to territory east of the Rio Grande.

The most successful of these liberal movements broke out in Yucatan in May, 1839. The weakness of the Government of Mexico, and the remoteness of Yucatan from the capital, made it impossible to take adequate steps to reduce her to submission. By the beginning of the following year the revolutionists were in complete control of Yucatan, and the movement had spread into Tlaxasco and Campeche. Treat kept his Government informed of the developments there as he learned of them, suggesting the possibility of joint action by Texas and Yucatan in case of the failure of his mission. In June, 1840, Commodore Moore was sent with the fleet to carry dispatches to Treat. While he was to be careful to observe strict neutrality and not to attack any Mexican vessel unless he learned that Treat's mission had failed, he was to "endeavour to ascertain the condition of the State of Yucatan, and the disposition of those functionaries administering their Government, whether friendly or otherwise to us, any manifestation of friendship from them you will reciprocate."⁷¹

Moore left Galveston in June, immediately after receiving his orders, and considering the most important of his instructions the discovery of the attitude of Yucatan, he dispatched the letters for Treat and Pakenham in the schooner *San Jacinto*, while he continued direct to Yucatan, arriving at Sisal on July 31. He was received with every favor by the authorities. After a short time at Sisal he sailed to Campeche, where he found General Anaya and had a friendly conference with him. He returned to Sisal shortly after, and had an interview with the governor-elect, Santiago Mendez, who informed him that "he was anxious that the most friendly relations should be established at an early period, and assured me that the ports of the State of Yucatan were open to any Texan vessel. . . ." ⁷² On the same day that he reported these movements to the secretary of the navy, August 28, 1840, Moore addressed a letter to President Lamar in which he urged the policy of active warfare. He wrote in part as follows:

By reference to my report you will see the disposition of the Federalists of Yucatan towards the Government of Texas and their anxiety for the cooperation of our Naval force; the weight

⁷¹Lamar to Moore, June 20, 1840, Garrison, *Dip. Cor. Tex.*, II, 652.

⁷²Moore to Secretary of the Navy, August 28, 1840, 5 Tex. Cong., 1 Sess., Appendix, 232-237, *House Journal*.

of which, thrown at this time on their side would, I feel confident, be the means of establishing the Federal Constitution throughout Mexico, when we would be acknowledged at once.

The Centralists are almost prostrate, and single handed with the means already at your Command [the Navy] you might, without the least prospect of being molested by them on the Frontier, dictate to, and no longer *ask* at their hands, that which they can be very soon made to *feel* is ours already, viz our perfect Independence of them; and in my humble opinion they will never acknowledge it until they are made to *feel* it.

With the Navy manned as indifferently as it is, every Mexican can be captured that dare put to sea, and their whole Sea Coast be kept in a perfect state of fear and trembling; why then should we temporize any longer with them, when, if they had the power they would annihilate every male Inhabitant of Texas and spread devastation and ruin throughout our devoted Country.

You may keep *Treating* with them until the expiration of your administration and will, in all probability leave for your successor, whoever he may be, to reap all the advantages of your efforts; now is the time to push them for they never were so prostrate.⁷³

The fleet returned to Galveston in April, 1841.⁷⁴ Before that Lamar had determined to send the third peace mission to Mexico, the details of which I have just related. That the possibility of an alliance with Yucatan in case of failure was already a part of his policy, is indicated by the alternative instructions to Webb. "If you are not permitted to open negotiations with the Government of Mexico," said the instructions,

or having opened them, should find it necessary to discontinue them, without any beneficial results, you will after notifying this Government of the fact be at liberty, to return by the way of Yucatan and ascertain what part the Government of that country would be willing to take in a war which Texas might be compelled to wage against Mexico. In doing this however it is only expected that you will sound the people of Yucatan on the subject as you are not furnished with authority to enter into any treaty stipulations, but you may suggest to the authorities the propriety of sending an agent to this Government with full powers to treat and you may give them assurances of our friendship and willingness to receive such an agent. . . .⁷⁵

⁷³Moore to Lamar, August 28, 1840, Garrison, *Dip. Cor. Tex.*, II, 695.

⁷⁴For a full history of the cruise of the fleet in 1840-1841, and the activities under the alliance with Yucatan, see Dienst "The Navy of the Republic of Texas," in *THE QUARTERLY*, XIII, 18-43.

⁷⁵Mayfield to Webb, March 22, 1841, Garrison, *Dip. Cor. Tex.*, II, 735.

In June, 1841, Yucatan, which had so far been fighting for the restoration of the Constitution of 1824, declared her independence from Mexico. Webb learned of this while waiting to be admitted to Mexico, and although an accident to his vessel prevented him from returning by way of Yucatan, yet he had learned enough to cause him to urge an immediate treaty of alliance and opening of hostilities with Mexico. "Let Texas enter into arrangements at once, with Yucatan and Tobasco," he wrote,

and each party mutually recognize the Independence of the other, and then let them conjointly renew and prosecute the War untill the Central Government shall be forced into terms, or put down beyond the hope of resuscitation. In renewing the War conjointly with Yucatan and Tobasco, Texas would only be expected to furnish her Navy,—the whole of the land operations to be carried on by the Federalists, and by which means we would be saved the entire expense of keeping an army in the field. . . .

The Federalists of Yucatan and Tobasco have now everything that is necessary to carry on the War successfully, but a Navy, and they want no assistance from us but such as the Navy would afford. Without a Navy they can make no effectual impression upon the Sea ports, and that is the most essential object to be obtained; because it is through the sea ports and the revenue derived from their Commerce that the Government is sustained—take away that, and you cut off all their resources and render them hopelessly imbecile. Hence the great anxiety of the Federalists to make terms with us, because they believe with our assistance in taking their ports, they can immediately bring the Central party down. . . .⁷⁶

This letter was received on July 5, and on the seventh Samuel A. Roberts, acting secretary of state, wrote to Webb as follows:

Your Communication . . . was received two days ago, and it, together with the accompanying documents, was immediately laid before the President, and he considers the questions involved of such magnitude as to determine him to go at once in person to Galveston, where he can best determine what will, under all the Circumstances, be most proper to be done. He will accordingly leave here in the morning, and will probably be not more than one day behind Mr. Moore on his arrival at Galveston.⁷⁷

On July 20, 1841, Lamar addressed a letter to the Governor of

⁷⁶Webb to Lamar, June 29, 1841, Garrison, *Dip. Cor. Tex.*, II, 764.

⁷⁷Garrison, *Dip. Cor. Tex.*, II, 766.

the State of Yucatan, and as there has been some question as to who took the initiative in the alliance, I shall quote the letter in full. It is as follows:

In reading over the Correspondence of Commodore Moore while commanding the Texan squadron on its late Cruise in the Gulf of Mexico, I have experienced the most sincere and lively Gratification in discovering the many evidences it affords of the kind and friendly sentiments entertained by the Authorities of the State of Yucatan toward the Government and people of Texas; and I now beg leave to assure you sir, that every expression of friendship and regard which has been uttered in your State towards us is most cordially and sincerely reciprocated on our part.

It has been my earnest desire to establish with the States of Yucatan, Tobasco and such others as may throw off the Yoke of Central despotism in Mexico, relations of amity and friendship, and to show the disposition of this Government to reciprocate in the fullest manner, every evidence of good will manifested by the Federalists of Mexico towards this country, I hereby have the pleasure of declaring to you, and of making known to your Citizens, that the Ports of Texas are open to the vessels and Commerce of Yucatan upon the same terms as we extend to the most favored nations, and that this Govt. will require of its Citizens the faithful performance of all contracts, obligations, or compromises which they may enter into with the citizens and subjects of Yucatan.

Should it be the desire of your Excellency and of the Congress of Yucatan to enter into more permanent and specific relations of Amity friendship and Commerce with the Government and people of Texas, I have only to assure you that we shall be happy to receive from you, an agent duly accredited for that purpose; and that we will be prepared to enter into such negotiations and arrangements with him, as will be mutually beneficial, and result in securing a full and complete acknowledgment of the respective rights of both Countries from those who are now our enemies.⁷⁸

The Governor of Yucatan, Miguel Barbachano, made a prompt response to this letter, and immediately sent a commissioner, Martin Francisco Peraza, fully authorized to treat with Texas on all points. Peraza with his secretary, Donaciano Rejon, arrived in Austin on September 11. On September 16 he submitted a proposal to the Texan Government, which with a slight amendment was the plan adopted. By this agreement Yucatan was to pay

⁷⁸Lamar to Governor of Yucatan, July 20, 1841, Garrison, *Dip. Cor. Tex.*, II, 792.

eight thousand dollars to the Texan authorities for the purpose of getting the fleet ready for sea, and eight thousand dollars per month so long as the government should deem it necessary for the squadron to remain in active service. All captures made by the Texan vessels were to be taken into Texas ports for adjudication, and all captured by Yucatan vessels were to be taken into the ports of Yucatan. Peraza had suggested that the prizes be divided equally, but as the Texas navy was much stronger, and could be depended upon to do the greater part of the fighting, Lamar refused to grant that, and the arrangement was agreed to as stated.⁷⁹

On September 18, 1841, Commodore Moore was ordered to fit and provision his ships for the sea. This required about two months, and on December 13 he sailed from Galveston under sealed orders. Outside of Galveston Bar he opened his secret orders and found that he was to sail direct for Sisal in the State of Yucatan, and to cooperate with the sea and land forces of Yucatan in checking any hostile action of Mexico. He was instructed to capture Mexican towns and levy contributions; and for the purpose of compelling payment, he was authorized to destroy public works and edifices, and seize public property, taking care not to molest private property except in the execution of duty. It was hoped that these acts would "strike terror among the inhabitants, which may be very useful to us should it again be thought advisable to enter into negotiations for peace."⁸⁰

Moore arrived in Sisal on January 8, 1842, and found to his disappointment that a convention had been signed between Yucatan and Mexico on December 28, 1841, the basis of which was a return of Yucatan to her allegiance to Mexico. He complained of the apparent breach of faith on the part of the Yucatan Government, but was informed that no promise had been made by Yucatan as to her action in that regard.⁸¹ The Yucatan Government continued to pay the eight thousand dollars monthly, but on March 29, notice was served on Moore that the Yucatan Gov-

⁷⁹For the provisions of the agreement see Moore, *To the People of Texas*, 15-19. This agreement being in the nature of a military convention was not submitted to Congress, hence it is not to be found in a collection of treaties.

⁸⁰Moore, *To the People of Texas*, 13-15.

⁸¹Moore, *To the People of Texas*, 26-29. See also Rejon to Texan Secretary of State, January 18, 1842, Garrison, *Dip Cor. Tex.*, II, 799-802.

ernment was willing for the squadron to retire. After a mild protest, Moore departed from the Yucatan coast in the latter part of April, and arrived in Galveston on May 1, 1842.⁸²

Lamar's term of office closed on December 12, the day before Moore sailed from Galveston, and Sam Houston began his second term in the presidency. Condemning without discrimination everything that Lamar did, Houston repudiated the contract with Yucatan, and on December 15 issued orders for the return of the fleet to Galveston. From some peculiar cause this order did not reach Moore until March 10, when it was too late to accomplish its purpose. In a speech in the United States Senate, March 15, 1854, in denunciation of Moore, Houston said with regard to the convention with Yucatan, "This was done without any authority or sanction of Congress or Senate of the Republic of Texas. It was a mere act of grace or will on the part of the President." This might be answered by saying that Texas and Mexico were still technically at war, and it is hard to see how it was necessary for the President to submit a military convention to the consideration of Congress.⁸³

3. Relations with the United States

It has been seen that Lamar had a definite policy towards Mexico; but it cannot be said that he had any specific policy towards the United States differing from that of his predecessor or successors. The first years of the republic of Texas were taken up with the importunings of the Texan agents for admission to the United States, either as a state or a territory, or almost on any terms that the United States might lay down, all of which the United States declined with little ceremony. While it is probable that public sentiment with regard to annexation was not materially changed in Texas when the offer of annexation was withdrawn in October, 1838, it is certain that at the time the new president approved the withdrawal of the offer, which, as he said, he had never seen the benefit of. "Notwithstanding the almost undivided voice of my fellow-citizens at one time in favor of the measure," said Lamar in his inaugural address in December, 1838,

⁸²Moore, *To the People of Texas*, 53-58.

⁸³*Cong. Globe*, 33 Cong., 1 Sess., App., 1081.

and notwithstanding the decision of the National Congress at its last session, inhibiting the chief magistrate from withdrawing the proposition at the Cabinet of Washington, yet still I have never been able myself to perceive the policy of the desired connection, or discover in it any advantage, either civil, political, or commercial, which could possibly result to Texas. But, on the contrary, a long train of consequences of the most appalling character and magnitude have never failed to present themselves whenever I have entertained the subject, and forced upon my mind the unwelcome conviction that the step once taken would produce a lasting regret, and ultimately prove as disastrous to our liberty and hopes as the triumphant sword of the enemy. And I say this from no irreverence to the character and institutions of my native country—whose welfare I have ever desired, and do still desire above my individual happiness—but a deep and abiding gratitude to the people of Texas, as well as a fervent devotion to those sacred principles of government whose defence invited me to this country, compel me to say that, however strong may be my attachment to the parent land, the land of my adoption must claim my highest allegiance and affection.

The key to this opposition is found in what follows. Texas would yield up the right of declaring war or making peace, of controlling the Indian tribes within her borders, of appropriating the public domain for the benefit of education, of levying her own taxes, regulating her own commerce, and forming her own alliances and treaties. Besides, as an independent republic, Texas would adopt free trade, and not be bound by the “thralldom of tariff restrictions” found in the United States. Concluding this phase of his address, he said:

When I reflect upon these vast and momentous consequences, so fatal to liberty on the one hand, and so fraught with happiness and glory on the other, I cannot regard the annexation of Texas to the American Union in any other light than as the grave of all her hopes of happiness and greatness; and if, contrary to the present aspect of affairs, the amalgamation shall ever hereafter take place, I shall feel that the blood of our martyred heroes had been shed in vain—that we had riven the chains of Mexican despotism only to fetter our country with indissoluble bonds, and that a young republic just rising into high distinction among the nations of the earth had been swallowed up and lost, like a proud bark in a devouring vortex.⁸⁴

⁸⁴*Lamar Papers*, No. 361; *Senate Journal*, 3 Tex. Cong., 1 Sess.

Allowing for his love for high sounding phrases, and for his justifiable objection to the termination of the existence of the republic over which he had just come to preside as chief executive, it is perfectly obvious that Lamar was at that time strongly opposed to annexation; and this opposition of the President, together with the lack of interest in the question in the United States, caused the annexation question to lie dormant throughout Lamar's administration. With this out of the way the main things to interest the two countries were the settlement of the boundary, the border Indians, and commercial relations.

The settlement of the boundary between Texas and the United States has been adequately treated elsewhere,⁸⁵ and I shall do no more than outline it here. The statutory boundary as claimed by Texas was the line as defined in the treaty of 1819 between the United States and Spain. The line had not been surveyed when Texas made good her independence and adopted this line as her eastern boundary. Naturally there was considerable confusion, especially on account of Indian incursions from the United States. A controversy was precipitated with the United States shortly after the beginning of Houston's administration by the passage of a law creating land offices, and including in their jurisdiction a part of the territory claimed by the United States.⁸⁶ This law was inoperative, because the time when it should go into operation was not fixed. A supplementary act was passed June 12 providing that the act should go into effect on October 1.⁸⁷ The possible incursions of Texans into land claimed by Arkansas brought a protest from the governor of Arkansas, which was taken up by the secretary of state of the United States, Forsyth, and presented to the chargé d'affaires of Texas as a protest from the United States.⁸⁸

On the same day that the law was passed providing that the land offices should begin work on October 1, another law was passed providing for the appointment of commissioners to run the boundary line.⁸⁹ Before the Texan chargé had received notice of this act, however, he had already urged the United States authori-

⁸⁵Marshall, *Western Boundary of the Louisiana Purchase*, 206-241.

⁸⁶December 22, 1836. Gammel, *Laws of Texas*, I, 1276-1284.

⁸⁷*Ibid.*, 1322-1326.

⁸⁸Forsyth to Catlett, June 17, 1837, *Dip. Cor. Tex.*, I, 230.

⁸⁹Gammel, *Laws of Texas*, I, 1331.

ties to appoint a commissioner for running the boundary line.⁹⁰ Without attempting to follow the negotiations in detail, it is sufficient to say that after long delay and the presentation of claims and counter claims the Texan minister, Memucan Hunt, on April 28, 1838, signed a convention for running the boundary line.⁹¹ Ratifications were not exchanged until October 12, so the carrying out the convention devolved on the Lamar administration.⁹²

There was delay on both sides in appointing commissioners and providing for their needs, and it was not until August, 1839, that the joint commission met in New Orleans, when, on account of the prevalence of yellow fever, and the hostility of the border Indians, the commissioners decided to postpone the beginning of the work until October 15. They did not assemble again until November 12, when they went into camp at Green's Bluff on the Sabine about thirty-five miles from its mouth. They were joined by the Texan commissioner, Memucan Hunt, on January 20, 1840, but the Texans lacked instruments, so there was another delay in beginning. While waiting for instruments for the Texans the commissioners with much difficulty came to a decision as to the method to be pursued under the Treaty of 1819 and the convention of 1838. On May 21, 1840, the survey actually began, the Texans conceding that Sabine gulf should be considered a part of Sabine river, and consenting to the boundary along the western side of that stream.⁹³ Work was interrupted on June 3, and it was not until February 14, 1841, that the commissioners assembled to renew work, and not until June 24, 1841, that the work was completed.

There was always an Indian question between the two governments. After the recognition of Texan independence by the United States, the treaty of 1831 between the United States and Mexico was considered as binding on Texas and the United States. Periodically the Texas government sent complaints to the United States that efforts were being made to stir up the United States Indians to act with their neighbors in Texas, and as often the authorities of the United States responded, usually courteously, but sometimes coolly, saying they would investigate, and always the re-

⁹⁰Catlett to Anderson, June 17, 1837, *Dip. Cor. Tex.*, I, 229.

⁹¹Hunt to Irion, April 28, 1838, *Dip. Cor. Tex.*, I, 325-326.

⁹²Malloy, *Treaties, Conventions, etc.*, II, 1779.

⁹³Marshall, *Western Boundary of the Louisiana Purchase*, 230-235.

sult of their investigation was to show that the Texan fears were without foundation. This procedure had its beginning in the summer of 1836, when Gaines was urged to send forces into Texas for the purpose of keeping the Indians quiet; and ever after that in case of a threat of Indian war, or after any atrocities committed by the Indians as individuals or in small groups, the customary complaint was registered, and the customary answer returned.

The administration of Lamar was not different from any other period of the history of the republic in this respect, and an adequate discussion would require too full a consideration of the whole Indian question for the purposes of this paper. I shall touch on the Indian question only incidentally as I discuss the efforts on the part of Texas to abrogate the Treaty of 1831 and form a new treaty with the United States.

On February 17, 1838, the comptroller of the treasury of the United States issued a circular, in part as follows:

Referring to the circular from this office, of the 2nd. instant, I have to communicate for your Government that, by information received from the Department of State, it appears the fifth and sixth articles of the treaty with Mexico are held obligatory on the Republic of Texas. It results, therefore, that the vessels and productions of the latter, being placed on equal footing in carrying on its commercial intercourse with the United States, are to be treated with reciprocal favour, and enjoy the like privileges and exemptions that are extended to the productions and vessels of Mexico.⁹⁴

This order was communicated to the Texan secretary of state on March 23, and on the 26th was answered by John Birdsall, stating that

While the undersigned assures Mr. La Branche of the earnest desire of this Republic to cultivate the most friendly intercourse with the United States, and especially upon those principles of equality and reciprocal favour which should always characterise the commercial relations of friendly States, he cannot yield his assent to the proposition that the commercial stipulations of the treaty with Mexico are obligatory upon the Government of this Republic.

The events of our Revolution, the great changes in territorial and political organization incident to it, necessarily make the application of the treaty, to the new order of things, a question of

⁹⁴*Dip. Cor. Tex.*, I, 313, 314.

mere expediency addressed to the discretion and reciprocal interests of the two countries.

Not doubting however that the measures of this Government will meet the expectations of the United States, in regard to the commercial intercourse between them, The undersigned will lay before the President who is yet absent, the note of Mr La Branche, and the accompanying Circular at the earliest opportunity after his return, in order that this Government may take the necessary action upon the subject.⁹⁵

That the arrangement proposed proved satisfactory to the President is to be presumed, as there was no further correspondence on the matter. The reservation of Birdsall was natural as the Texan minister was at that time trying to secure a commercial treaty with the United States, and it would have been unwise to prejudice the case by acknowledging without reservation that the Mexican treaty was binding. Besides, the notice of the application of the treaty to Texan vessels came from the treasury department of the United States and did not represent a joint agreement between Texan agents and agents of the United States; and it might have been considered beneath the dignity of Texas to accept this without reservation. This arrangement was put into effect without Texas ever conceding its binding nature, except when the United States was urged to restrain their Indians, and as there was no commercial treaty ever ratified between Texas and the United States, it continued to be the basis of trade between the two countries.

Notwithstanding the Texan authorities had early attempted to form commercial treaties with European countries, it was not until early in 1841 that steps were taken looking to the establishment of commercial arrangements with the United States. On February 17, the secretary of state wrote to Barnard E. Bee, Texan chargé d'affaires in Washington, announcing the receipt of a number of communications from Washington in relation to the construction of the treaty between the United States and Mexico, and the obligations of the United States under that treaty to restrain the border Indians from incursions into Texas. "The President instructs me to inform you," he wrote,

that in all probability it will be the most advisable to defer for

⁹⁵*Ibid.*, 322.

the present any further discussion of that subject: That you will avail yourself of the most favorable opportunity to suggest, to the Secretary of State of the United States the importance, and mutual advantages to be derived to the respective Governments by establishing more definitely our relations and intercourse by farther Treaty stipulations. Independent of the high commercial advantages consequent upon reciprocal Treaty obligations, the civil and criminal administration of the laws of the respective Governments would be very much facilitated by properly tempered regulations relative to fugitives from justice, and public defaulters.⁹⁶

In December Lamar had obtained leave of absence on account of bad health, and at the time this letter was sent he was still away from the seat of government, convalescing at the home of Doctor Hoxie, at Independence, Texas. It seems that Mayfield had instructions from him before suggesting a general treaty with the United States. Some time about March 1, 1841, Lamar returned to the seat of government and took up his duties, and on March 22 Mayfield addressed another letter on the subject of negotiating a treaty.⁹⁷ In announcing the return of Lamar to Austin and the resumption of his duties, Mayfield wrote:

His views were known upon the subject of opening a negotiation with the Government of the United States: for forming a definite treaty of Amity, Commerce and Navigation; and embracing such other subjects as may mutually interest both Nations. It is the wish of the President that you should, without delay represent in the most respectful and urgent manner to the Government of the United States the importance of an early Negotiation relative to the several objects contained in my former note, in which the several matters now under consideration and discussion between the two Governments may be embraced, and definitely adjusted upon principles of entire reciprocity.

No specific plan was proposed for the reason that it was hoped that the negotiations would be held in Texas, and Bee was urged to request that they be held there;⁹⁸ though some of the argu-

⁹⁶Mayfield to Bee, February 17, 1841, *Dip. Cor. Tex.*, II, 76.

⁹⁷It is necessary to correct a false impression that several of the histories of Texas give. Yoakum, Bancroft, Thrall, Crane, Lester, Gouge, and others state that Lamar retired from the presidency, and that throughout the remainder of his term the office was administered by Burnet. Gouge is particularly caustic, referring to the financial and other failures, and saying Lamar did not have the courage to remain with his office after failure. Even a slight acquaintance with the newspapers and other records of the period should have made impossible this error.

⁹⁸Mayfield to Bee, March 22, 1841, *Dip. Cor. Tex.*, II, 77-78.

ments Bee should advance for the beginning of negotiations were suggested, one of which was the settlement of the right of citizens of each country to carry their body servants with them when traveling in the country of the other. Another reason given was the necessity for coming to some agreement as to the meaning of the treaty of 1831 with regard to the control of the Indians.

By the treaty between Mexico and the United States in 1831, it was agreed that each country should take upon itself the duty of restraining the Indians from crossing the boundary and attacking the citizens of the other, even to the point of using force. The term used was the prevention of "incursions." The Texan government and the government of the United States developed diametrically opposite views with regard to the interpretation of this treaty. The Texan authorities interpreted it to mean that the United States government would prevent the peaceful emigration of United States Indians into Texas, and even went so far as to demand that the United States prevent the immigrant Indians, such as the Cherokees, Caddoes, and others from taking any part in Mexican conspiracies, or even to send a force to assist in ejecting them from Texas. The attitude of the United States was that the treaty meant that the United States would prevent any hostile incursions into the territory of Texas, or if unable to prevent the incursion, she would remunerate the Texas citizens for any loss sustained at the hands of Indian marauders.

The action of the United States government in sending military forces into Texas in the summer of 1836 with the ostensible purpose of keeping the Indians quiet, created a precedent on which the Texans attempted to act from this time forward. Every time an outbreak appeared imminent, the Texan authorities sent the documents proving the conspiracy, and requested some action. These documents were usually submitted to the secretary of war, who at this time was J. R. Poinsett, for investigation. The attitude of the United States government is expressed in a report of Poinsett to the secretary of state on July 18, 1839, after the Texan minister had laid before the secretary of state documents showing that the Mexicans were conspiring with the Cherokees against the Texans.⁹⁹ Poinsett wrote:

⁹⁹I have discussed these Indian wars in Chapter IV, and shall not give more here than the international aspect. The documents referred to here were those showing the conspiracy of 1839, resulting in the expulsion of the Cherokees from Texas.

Having carefully examined the documents accompanying that communication [Mr. Dunlap's], I do not find any evidence of a disposition on the part of the Indians within the United States to make war upon the citizens of Texas. The letters of the Mexican authorities allude clearly to the Indians residing within the Texan territory; and the circular is addressed to chiefs who live without the limits of the United States.¹⁰⁰

This position does not appear to have had a formal answer until December 15, 1840, when Bee in a letter to Forsyth called attention to additional atrocities, and took issue with the position of Poinsett. He claimed that as the Cherokees, Kickapoos, Delawares, Choctaws, Pottawatomies, Shawnees, and Caddoes had come to Texas from the United States without ever securing rights of settlement there, it was the duty of the United States to keep them quiet as well as those which still remained in the United States. Besides, he said, the Indians in the United States mingled indiscriminately with their kindred in Texas, and participated in the atrocities which were complained of. His contention was that the removal of any tribe of Indians into Texas without the permission of the Texan authorities, did not affect the duties of the United States under the treaty.¹⁰¹

The response of Forsyth to this communication, January 23, 1841, is what precipitated the demand of the Texan government for the abrogation of the treaty of 1831. He wrote that as usual with anything dealing with Indian affairs, Bee's communication had been submitted to the war department, and that as usual, the conclusion arrived at was, "that the Executive of the United States has no legal power to check or restrain by force the voluntary and peaceable migrations of Indians from the United States to any other country whatsoever." The sole object of the article in the treaty referred to, he said, was to make it the duty of the parties to do everything in their power towards preserving peace among the Indians on their frontiers, and preventing them from attacking the citizens of either party. He claimed that the United States had scrupulously carried out her part of the contract, and stood ready to continue to do so in case of proof that any United States Indians were making marauding expeditions into Texas.¹⁰²

¹⁰⁰*Senate Documents*, 32 Cong., 2 Sess., No. 14, p. 42.

¹⁰¹*Ibid.*, 52.

¹⁰²*Ibid.*, 55.

The death of President Harrison prevented the Texan legation from submitting the request of its government for a treaty until April 23, 1841. On that date Nathaniel Amory, secretary of legation, expressed verbally to Webster the desire of the Texan government to enter into a treaty covering the Indian question, commerce, and other matters at issue between the two governments, and also expressing the desire that negotiations be held in Austin. To the last proposal Webster interposed a negative, though he was non-committal as to the necessity for a treaty.¹⁰³ Before this interview took place a letter had gone forward on April 20, signed by the secretary of state, but apparently written by President Lamar, in which the whole Texan contention was defended strongly.

An interesting phase of the arguments used in this communication, which was characteristic of Lamar's methods, is the balancing of the benefits to the United States of the fifth and sixth articles against the duties assumed by the United States under the thirty-third article.¹⁰⁴ I shall quote at some length from this document, without pointing out the fallacies, to give some idea of the methods employed by Lamar. After mentioning the fact that the United States had seen fit in 1838 to adapt the treaty to Texas so far as commerce was concerned, and that Texas had acquiesced in that interpretation of international law, he continued:

Under the Construction given by Mr. Forsyth to the 33rd article of the Treaty Texas would not be receiving an equivalent, for the sacrifices she suffers in her revenues; by allowing Vessels belonging to the United States to enter our Ports free of Tonnage duty. To arrive at a fair interpretation of that instrument the whole should be construed by its several parts and articles, by which means its true spirit and intention may be more accurately defined. It will be found that concessions, and privileges are contained in many of its clauses and provisions in many of its articles of which there cannot be found a sufficient guarantee or equivalent

¹⁰³Amory to Mayfield, April 23, 1841, *Dip. Cor. Tex.*, I, 489.

¹⁰⁴Articles 5 and 6 of the treaty provided for complete reciprocal tonnage and other local dues, and that the same duties should be charged whether the goods were brought in Mexican or American vessels.

Article 33 provided "that the two contracting parties, shall by all means in their power maintain peace and harmony among the several Indian Nations who inhabit the land adjacent to the lines and rivers which form the boundaries of the two countries;" and it was stipulated that the necessary force would be employed to restrain all incursions on the part of the Indians living within their respective boundaries. *Treaties and Conventions of the United States* (Malloy, ed.), I, 1085-1097.

secured in the same article. This naturally arose from the relative strength, commerce, and political condition of the contracting parties at the time of making the Treaty, as will be seen by reference to the articles cited.

The United States at the time had an extended commerce, and heavy Shipping. Mexico on the contrary (and with but remote prospects of improvement) was limited in her commerce, and yet more in her shipping. The mutual guarantee then as to tonnage and other charges enumerated in the "5th and 6th" articles of the Treaty cannot be said to secure to Mexico an equivalent, as it was apparent and must for years Continue that the whole trade of Mexico with the United States upon the Gulf would be carried in American bottoms.

On the other hand, the United States was well established, with a strong standing army, an organized militia, and an overflowing treasury, and her contribution to this balanced document was a guarantee to protect Mexico from her Indian neighbors. But independent of those considerations, the United States was bound upon principles of justice aside from any treaty stipulations upon the subject, to guard the government of Mexico, her citizens or territory, from hostilities or incursions from those various tribes of Indians, which by her policy she was establishing on the immediate borders of the latter. He did not agree with Forsyth's interpretation of the thirty-third article, and insisted that the United States was obligated to use force to restrain her Indians from making incursions, either peaceful or otherwise, into Texas. Finally, since the United States refused to carry out the plain obligations of the thirty-third article, the minister was to announce to the American secretary of state that Texas had determined to terminate the stipulations of the fifth and sixth articles as provided for by the treaty.¹⁰⁵ These instructions were complied with on May 19, when the secretary of legation informed the American secretary of state that the treaty would terminate a year from that date.¹⁰⁶

This elicited no response from the United States government, though there continued to be a one-sided correspondence on the subject thereafter. On September 15 Amory submitted a rough draft of a treaty as follows:

¹⁰⁵Mayfield to Bee, April 20, 1841, *Dip. Cor. Tex.*, II, 82-86.

¹⁰⁶Amory to Webster, May 19, 1841, *Dip. Cor. Tex.*, I, 496.

Article 1: On commerce and navigation. To be nearly the same as that in the Treaty between Texas and Great Britain, or as the 2nd Article of the convention between Texas and the Netherlands.

2nd. Arte: As regards what shall be considered Texas vessels to be like the 7th Article of the Treaty between Texas and the Netherlands.

3rd. Tonnage duties the same on vessels of both countries as in the second Article of the Treaty with Great Britain. Insert provisions for calling upon justices of the Peace, Judges and courts for warrants and other process to apprehend deserters from the Commercial and Naval Service.

4th The flag to protect the ships and goods, and no right of search to be permitted under penalty of damages to be restored by the Government of the officer or officers offending.

Article 5th Provide for right and obligation of convoy in case of mutual war with a third power, as provided in the 20th article of the Treaty with the Netherlands, the free navigation by each party of the bordering or coterminous rivers and above and below the boundaries.

Article: 7. The right of each party to land the products of its soil within the territory of the other free of all duty, when the same is intended to be and is actually shipped to any other country.

Article: 8. To provide for the Indian relations as in the 23rd [33rd] Article of the Treaty between the United States and Mexico, and for removal of Indians from Texas.

Art: 9. Provisions for consular rights.

Art: 10. The right of succession and inheritance to the estates of deceased citizens dying intestate to be preserved as in the country of which they were the subjects, tho' temporarily domiciled abroad.

Art: 11. The Treaty to continue for ten years.¹⁰⁷

To this communication Webster replied on September 20, stating that on account of a press of other matters he would not be able at that time to discuss the matter of a treaty with Texas, and that on account of his absence in the North it would not be possible to take the matter up before December,¹⁰⁸ so the administration of Lamar came to a close without any definite action having been taken on the proposals of Texas.

The succeeding administration took up the same policy, however, and a brief statement is necessary to complete the story of the negotiations. Bee, who had absented himself from Washing-

¹⁰⁷*Dip. Cor. Tex.* I, 517.

¹⁰⁸*Ibid.*, I, 517-518.

ton for the greater part of the summer and fall of 1841, was recalled in a sharp letter of censure, and James Reily was sent armed with full powers to negotiate a treaty. For a good part of this year Webster was engaged in the Webster-Ashburton negotiations over the Northeast boundary, and it was not until July 30, 1842, that the draft of a treaty was signed by the Texan chargé d'affaires and the American secretary of state.¹⁰⁰ The draft of the treaty contained twenty-two articles, and followed generally the subjects suggested by the Texan chargé d'affaires in September, 1841. Freedom of commercial intercourse was to be guaranteed, and duties were to be reciprocal; the use of the Red River, and all rivers having their sources or origin in Texas, and emptying into the Mississippi, and even the Mississippi, were free to the navigation of both parties; right of deposit was allowed without duties while reshipment was being made, and raw cotton was to be imported into each country for five years free of duty. Other articles dealt with blockade, rights of neutrals, prizes, and transference of property. A consular service was provided for, and a final article provided for extradition of criminals.

The main cause for demanding a treaty on the part of Texas was the unsatisfactory situation with regard to the border Indians. It will be remembered that the Texans desired that the United States guarantee Texas against the peaceable immigration of United States Indians, and that the United States should remove those which had come into Texas from the United States. Before negotiations got under way, however, Texas had surrendered that point, and the agreement was according to the contention of the United States, with ambiguities removed. It was agreed "that the two contracting parties, by all the means in their power, maintain peace and harmony among the several Indian tribes who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries," and in order to attain that result force was to be used, "so that Texas will not permit the Indians residing within her territory, to attack the citizens of the United States or the Indians residing within the limits of the United States, nor will the United States suffer their Indians to attack the citizens of Texas nor the Indians inhabiting her terri-

¹⁰⁰Reiley to Jones, August 3, 1842, *Dip. Cor. Tex.*, I, 576.

tory, in any manner whatsoever." Captives were to be returned by the two governments.¹¹⁰

This treaty was never binding on the two governments as ratifications were never exchanged. The Texas Senate on January 16, 1843, ratified it with an amendment to article V, which permitted free importation of raw cotton,¹¹¹ while in March, 1843, the United States Senate ratified it after striking out articles IV and V, which provided for freedom of navigation of the rivers, including the Mississippi, and right of deposit at New Orleans and other points. No further action was taken by either country, as by this time the annexation issue was becoming of supreme interest again.

Another topic that requires some discussion here, and which I have already mentioned in a discussion of the relations of Mexico and Texas, is the attitude assumed by the United States during the efforts of Texas to establish peace with Mexico. When Dunlap was sent to the United States in the place of Bee, who was sent to Mexico, he was instructed to ask for the mediation of the United States between Texas and Mexico.¹¹² Forsyth gave a limited agreement to this policy, while acting at all times cautiously. The purport of the instructions was that through the mediation of the American secretary of state, Dunlap should get into communication with the Mexican minister, and by some means agree on a treaty with him. It appears that Forsyth did speak to the Spanish minister, without taking any decided stand one way or another. In a private letter to Lamar, May 16, 1839, Dunlap wrote :

I am requested by Mr. Forsythe to give you a private letter relative to our interview this day, concerning the mediation of this Govt. with our Mexican difficulties—as the result may not be subject to a call of Congress. He said to the Mexican minister that the Govet. of Texas had asked the mediation of his Govet. with the hope of settling on amicable terms, by a treaty of peace and limits the present difficulties between Texas and Mexico—and that his Govet. would be very happy to interpose, should it be the wish of Mexico.¹¹³

¹¹⁰The complete text of the treaty can be found in *Dip. Cor. Tex.*, I, 622-628.

¹¹¹*Secret Journals of the Senate*, 276.

¹¹²*Dip. Cor. Tex.*, I, 369.

¹¹³*Dip. Cor. Tex.*, I, 383.

This was certainly non-committal enough; but the instructions to Ellis, who was just being sent as minister to Mexico, were less in harmony with the desires of Texas. Ellis was instructed to be ready, while observing strict neutrality, to interpose his good offices between Mexico and Texas, but not until Mexico should ask for them. There is no evidence that Mexico asked for the mediation of Ellis, and none that he ever offered mediation. But the Texan minister was characteristically optimistic, and read into Forsyth's attitude a solicitude for Texas which was unjustified. "Mr. Ellis will be instructed to say to Prest Santa Anna that should Mexico desire the mediation of this Govnt," he wrote, "that nothing will give her more pleasure than to interpose"; but Ellis was not instructed to make any such statement. Apparently, from the instructions, all advances were to come from the Mexicans before Ellis would have been expected to offer the good offices of the United States.

No further developments came on this line until April, 1840. Bee, who had succeeded Dunlap as minister in Washington, communicated to Forsyth information concerning the killing of Colonel Johnson and his party while returning from the Rio Grande country after promulgating Lamar's proclamation of neutrality as between the Centralists and Federalists, and again asked the United States to mediate between Mexico and Texas.¹¹⁴ In answer, Forsyth informed Mr. Bee "that although he is entirely correct in supposing that the United States desire that the relations between Texas and Mexico may be established upon a friendly footing, nothing has occurred since the communications on that subject from this Department to the Predecessors of Mr. Bee as the Representatives of Texas here, to render a change of the determination of this Government expedient."¹¹⁵ This cool response effectively closed the matter, and it did not reappear until after the close of Lamar's administration.

Another way in which the United States showed a correct conception of neutrality, was in refusing to allow seamen for the Texas navy to be recruited in American ports. At the beginning of Lamar's administration, as I have shown in another chapter, the vessels contracted for by his predecessor began to arrive, but they

¹¹⁴Bee to Forsyth, April 5, 1840, *Dip. Cor. Tex.*, I, 451.

¹¹⁵Forsyth to Bee (copy), May 4, 1840, *Dip. Cor. Tex.*, I, 453.

were not manned, and it was hoped to secure seamen from the United States. Lieutenant Moore, commander of the sloop *Boston* in the United States navy, resigned his commission and was appointed as commander of the Texan navy. In reporting this resignation to the Texan authorities, Dunlap wrote, July 21, 1839, suggesting that the best plan to obtain tried seamen was to send the vessels back to New York or some other port, and let the commanding officer announce the number of men desired. He said that was the method advised by those most skilled in the matter. He stated that no notice would be taken when the ships left, concluding, "This is the best port for such an enterprise as concealment is more certain amidst such large and busy masses as continually throng this city."¹¹⁶

The government of Texas accepted the guarantees of Dunlap, and followed his advice, sending the ships to various American ports for recruits, Moore himself proceeding to New York. It seems, however, that the authorities of the United States were not so blind as Dunlap anticipated. A letter from Forsyth to Dunlap on January 15, 1840, enclosing documents showing that Moore had been violating the neutrality law of 1818, and announcing his purpose to begin legal proceedings against Moore, said, "As you will without doubt promptly inform your Government of the grounds and motives for the proceedings against Mr Moore and his confederates, no erroneous impressions in regard to them can be received but it will understand that they have originated in the desire and determination of the Executive of the United States to use all legal means to preserve our neutrality between Texas and Mexico, and to maintain relations of friendship and good will with both governments." He also announced the determination of his government to exclude Texan vessels of war from American ports in case of any future violation of the law.¹¹⁷

The charge against Moore, substantially supported by documents, was that for some time he had been engaged in hiring and retaining within the territory of the United States, citizens of the United States and other persons to enlist themselves in the service of the Republic of Texas as mariners or seamen on board the brig of war, *Colorado*. In spite of his suggestion that this

¹¹⁶Dunlap to Lamar, July 21, 1839, *Dip. Cor. Tex.*, 411.

¹¹⁷Forsyth to Dunlap, January 15, 1840 (copy enclosed in Dunlap to Burnet, January 27, 1840), *Dip. Cor. Tex.*, I, 437.

procedure be followed in securing mariners and seamen, Dunlap expressed great surprise that any attempt was being made to evade the laws of the United States. He felt confident, he said, that his government would not do any act inconsistent with that spirit of conciliation and good will which she had so fondly cherished towards both the government and citizens of the United States. He protested that the exclusion of Texan vessels from American ports was threatened without giving Moore a fair and complete trial. On January 27, 1840, he sent a note to the secretary of state for the United States enclosing a copy of one from Commodore Moore disclaiming having enlisted any seamen in violation of an act of Congress. To this Forsyth replied, calling attention to the discrepancy between Moore's letter and the documents already presented, and stating that since Moore had left the waters of the United States of his own accord, no further action on the part of the United States *was necessary*. Thus the matter closed.¹¹⁸

4. *Relations with France and England*

When William H. Wharton was sent as minister to the United States in November, 1836, he was instructed, if the United States should be indifferent or adverse to the claims of Texas to recognition or annexation, to keep in touch with the ministers of England and France, "explaining to them the great commercial advantages that will result to their nations from our cotton, etc., and finding a market here for their merchandise, and an outlet for their surplus population, on the basis of low duties and liberal encouragement which it will be our interest to establish." In a postscript the Texan secretary of state, Stephen F. Austin, repeated his instructions that in no case was the minister to look for support to other quarters unless the United States should give evidence of a lack of friendly interest.¹ In February, 1837, Wharton became discouraged at the prospect of recognition by the United States, and wrote that he had put the British and French ministers in possession of documents explanatory of the objects of the contest with Mexico, and that he had requested them to ascertain whether or not their countries would receive a diplomatic

¹¹⁸For this correspondence see *Dip. Cor. Tex.*, I, 436-442.

¹Austin to Wharton, November 18, 1836, *Dip. Cor. Tex.*, I, 137, 140.

agent from Texas for the purpose of entering into a treaty of commerce.²

Partly as a result of the obvious indifference of the United States to annexation, and to encourage a more favorable attitude by appealing to European countries, and partly from a desire to strengthen the financial system by securing recognition abroad, the Congress which assembled in May, 1837, passed a resolution requesting the President to appoint an agent to Great Britain, and later in a secret joint resolution, it authorized the President to instruct the agent to visit France, in order to secure recognition of their independence by those powers, and to form a commercial treaty.³ J. Pinckney Henderson, who had acted as secretary of state for awhile after the death of Austin, was commissioned on June 20 as agent under these resolutions, and he arrived in London on October 9, 1837.

Texan affairs had been under discussion in Parliament in 1836, when the anti-slavery interests expressed concern over the possible effect of Texan independence on slavery and the slave trade. On June 5, 1836, Mr. Barlow Hoy interrogated the foreign minister, Palmerston, as to whether or not he had received any communication relative to the establishment of slavery in Texas. Palmerston responded that he had not, but that Texas was in a state of revolt from Mexico, and that no action could be taken until the outcome of that revolt was known. Two months later, August 5, while the supply bill was under discussion, Hoy moved an address to the crown praying "that such measures may be taken as may seem proper to secure fulfillment of the existing treaty between this country and Mexico; and to prevent the establishment of slavery and traffic in slaves in the province of Texas in the Mexican territory." He supported this motion in a long speech in which he emphasized three points, first, the large amount of money invested in Mexican bonds; secondly, the danger of annexation by the United States; and thirdly, the probability that slavery would be permanently established in Texas. He urged Palmerston to send a naval force for the purpose of assisting Mexico in regaining control of the revolted province.

Palmerston in opposing the motion disposed of the fears of Hoy

²Wharton to Rusk, February 12, 1837, *Ibid.*, I, 185.

³Gammel, *Laws of Texas*, I, 1287; *Secret Journals of the Senate*, 315.

and the other abolitionists by saying that if there were a prospect of annexation to the United States, it would be time for England to interest herself, but that the message of the President of the United States indicated that annexation was unlikely; that if Mexico reconquered Texas the laws of Mexico would apply, and the treaty would be enforced, so that there was no necessity to interfere on that account; and finally, that if Texas should in the future become a part of the United States there might be importation of slaves from other states, but importation from Africa was unlikely.⁴ Palmerston's speech satisfied Hoy, and he withdrew his motion; but, as will be seen, the question of slavery and the slave trade continued to operate against recognition of Texan independence by England.

Henderson held his first conversation with Palmerston on October 13, and urged upon him the desire of Texas for recognition by England. Palmerston promised no more than that the matter would be considered by the cabinet as a whole. The conversation included such topics as the commercial benefits to England from recognition, the question of annexation, slavery and the slave trade, the possibility of reconquest of Texas by Mexico.⁵ On October 26 Henderson addressed a long letter to Palmerston in which he traced the history of Texas for several years past, and again urged recognition by England, receiving only the promise that the matter would be laid before the cabinet. On December 21 Palmerston announced the decision of the cabinet that they were not ready to give a definite decision at that time, as there seemed still a possibility that Mexico would succeed in reconquering Texas. Henderson attempted to secure a promise that if Mexico had not succeeded in subjugating Texas within a few months England would recognize the independence of Texas, but Palmerston refused to make that promise, advising the Texans to look well to slavery conditions if they desired any consideration from England. Henderson regarded this as final and proceeded to France, after securing an agreement that Texan vessels would be admitted into British ports under the treaty between Mexico and Great Britain.⁶

⁴Hansard, *Parliamentary History of England*, 3d Ser., XXXIV, 1107; XXXV, 928-942.

⁵Henderson to Irion, October 14, 1837, *Dip. Cor. Tex.*, III, 812.

⁶Henderson to Irion, December 22, 1837, January 5, 30, April 12, 1838, *Dip. Cor. Tex.*, III, 831, 839, 843, 853.

Before proceeding with a discussion of later efforts on the part of the Texas government to secure recognition, it will be well to notice briefly a few episodes that caused some friction between the new republic and England, and perhaps served in a measure to delay recognition. In the summer of 1837 a British schooner, *Little Penn*, bound from Liverpool to Tabasco loaded with British goods ran aground on the Yucatan coast. Two Mexican vessels, the *Paz* and the *Abispa*, were sent to salvage the cargo, the *Paz* returning safely to port, but the *Abispa* falling in with two Texan vessels and being captured. The owners of the cargo, F. Lizardi and Company, submitted a claim to the British Government for the sum of £3640. On August 3, 1837, a Texan vessel of war took as a prize the British schooner *Eliza Russell*, commanded by Captain Joseph Russell, and brought her into port at Galveston. The Texan Government immediately ordered her release, but the delay gave Russell grounds for a claim against the government for £865. The Texas Government immediately acknowledged the justness of the claim for the *Eliza Russell*, though there was considerable delay in making an appropriation for settlement of the claim, which resulted in a threat on the part of Palmerston to send a warship to Texas to collect the claims.⁷ This threat brought about the appropriation of a sum to settle the claim for the *Eliza Russell*, but the claim for the *Little Penn* was never recognized by Texas.

Just before Henderson arrived in London an agreement was reached on September 15, by the British holders of Mexican bonds and agents of the Mexican Government by which it was proposed to pay a part of the bonds by lands to be located in Texas. The Lizardi Company, a Mexican company in London, which was the chief holder of Mexican bonds, advertised a meeting on October 16 and from day to day thereafter for the purpose of carrying into effect the agreement. Henderson secured from Palmerston a disclaimer on the part of the British Government of any interest in the matter, and on October 16 wrote a formal protest to Lizardi and Company, stating that Texas was no longer under the sovereignty of Mexico, and that the agreement was void.⁸ Few of

⁷Palmerston to Henderson, October 23, 1839, 4 Tex. Cong., *House Journal*, 33-34.

⁸Henderson to Irion, November 5, 1838, enclosing Henderson to Lizardi and Company, October 16, 1838, *Dip. Cor. Tex.*, III, 830.

the bondholders took advantage of the offer at that time. This illustrates, however, the difficulties in the way of securing recognition. Later, as we have already seen, an effort was made to secure the acknowledgment of Texan independence by Mexico in return for an assumption of a part of the Mexican debt by Texas.

Two other obstacles in the way of recognition were the possibility that Texas would encourage the slave trade, if she made good her independence, and the desire of Great Britain to pose as the friend of Mexico. The interest of Great Britain in slavery in Texas I shall refer to later. From commercial reasons Great Britain desired to maintain the friendship of Mexico, and until the independence of Texas was unquestionably established, Palmerston felt it inexpedient to recognize it; and it was not until Texas had so proved her independence that failure to acknowledge its independence would have caused greater loss than the straining of Mexican friendship, that recognition was extended. During 1838 the British Government secretly connived at the French blockade of the Mexican ports, the British naval commander being instructed to leave Mexican waters before hostilities could take place; and when hostilities did begin the British Government offered to mediate between the French and the Mexicans, and the conduct of the British mediators convinced the Mexicans of the sincere friendship of the British Government. An effort was made to mediate between Mexico and Texas, also, the British Government, while refusing to recognize the independence of Texas, urging Mexico to acknowledge independence.

With the withdrawal of Henderson from London in April, 1838, the direct connection between the Texan Government and Great Britain was interrupted until the fall of 1839. In the meantime, however, Palmerston showed himself not indifferent to the claims of Texas, and urged on Mexico the necessity of recognizing Texan independence. As I have already stated, Palmerston instructed Pakenham, the British minister to Mexico, in October, 1838, to urge Mexico to acknowledge the independence of Texas, laying stress upon the importance of creating a barrier state between Mexico and the United States. At that time Gorostiza, the Mexican foreign minister, refused to entertain the suggestion because of its unpopularity, but suggested that an armistice might be granted if some European country would undertake to guarantee the boundary. These instructions were verbal, but in April, 1839,

Palmerston sent written instructions to the same effect.⁹ The further efforts of the British minister to mediate I have shown adequately in another connection.

In the summer of 1839, Christopher Hughes, American chargé d'affaires in Sweden, returned from a vacation in the United States by way of London. On June 10, 1839, he addressed a note to Lord Palmerston submitting a memorandum prepared by Anson Jones, as Texan minister to the United States, giving reasons for the recognition of Texan independence. Hughes supported the claims with a brief note on his own account. The action of Hughes was entirely on his own account, and without the knowledge of his government. It is interesting only because it drew from Palmerston a brief reply, in which he said, "Thank you for your letter about Texas, which I have sent to Lord Melbourne. The subject, to which it relates is important, but not without difficulties."¹⁰ No doubt the chief difficulty referred to was the opposition of the abolition party in parliament led by O'Connell. On July 9, 1839, O'Connell interrogated the foreign minister as to whether anything had been done toward the recognition of Texas. Palmerston replied that application had been made the preceding year by persons from Texas, but that he had stated that the ministry were not yet ready to recognize Texas, but that he had instructed the minister to Mexico to endeavor to bring about some understanding between Texas and Mexico. He did not inform the House that the instructions called for a recognition of Texan independence by Mexico.¹¹ Henderson was convinced that the opposition of O'Connell was the only obstacle to recognition, and wrote to Anson Jones, September 27, 1839, from Paris.

I shall go to England in a few days and urge that Government to recognize or refuse, and give their reasons for so doing. I scarcely hope they will comply with my main request, inasmuch as Mr. O'Connell has threatened them with his vengeance if they do recognize. That threat he made in a speech in Parliament a few days before it adjourned, and you know the present ministry of England dare not run counter to his wishes.¹²

⁹Adams, *British Interests and Activities in Texas*, 28, 29.

¹⁰Hughes to Jones, June 10, 1839, Jones, *Memoranda and Official Correspondence Relating to the Republic of Texas*, 148-152.

¹¹Hansard, 3d Series, XLIX, 82.

¹²Jones, *Memoranda, etc.*, 148.

In May, 1839, James Hamilton was appointed as a loan commissioner under the five million dollar loan act, to dispose of the bonds of Texas in the United States and Europe. He was also commissioned as a joint agent with Henderson to secure the recognition of Texas by Great Britain and France, and to enter into a treaty of amity, commerce, and navigation. Hamilton had become interested in Texas as early as 1836, and in the fall of 1838 he hoped for the appointment by President Houston as loan commissioner, but his desires were not realized. As soon as it was known that Lamar was to be the successor of Houston Hamilton wrote numerous letters to him suggesting means of floating a loan, and as soon as practicable after his inauguration Lamar appointed him to the place mentioned. Hamilton proved prolific in schemes for securing financial aid and recognition, and it is likely that his arguments appealed to Palmerston, resulting finally in several treaties between Texas and Great Britain.

On May 20, 1839, the same day on which his commission was signed, he wrote a letter to H. S. Fox, British minister at Washington, for transmittal to Pakenham, British minister at Mexico, outlining his views as to the advantage to Great Britain of recognition of Texas. This letter was not transmitted until some months later, but it, with other information concerning Texas and Mexico, was faithfully transmitted to Palmerston by Pakenham, and served to prepare the way for the active negotiations undertaken by Hamilton the following year. The immediate purpose of the letter was to secure the good offices of Pakenham to mediate between Mexico and Texas while Bee was still attempting to get into communication with the Mexican authorities. It was in this letter that he adopted a policy, already discussed by Bee and Gordon, representative of Lizardi and Company in New Orleans,—offering the payment by Texas of a sum of money to be applied to the payment of Mexican bonds in return for a recognition of her independence within the boundaries demanded. After expressing his desire that Pakenham mediate between Mexico and Texas, he proceeded to give arguments to show the advantage to Great Britain if Texan independence should be accomplished through British mediation. In the first place, he said, the impending blockade of Mexican ports by Texan vessels might cause serious difficulty as Great Britain would hesitate to recognize the blockade, and bloodshed might ensue; secondly, Great Britain

had an incalculable interest in the trade of Texas; thirdly, Great Britain might feel a delicacy in recognizing Texas until Mexico had recognized; fourthly, as soon as Great Britain recognized Texas she could obtain through the value of her commerce with Texas, the concurrence of Texas in suppressing the slave trade, which Texas had prohibited by her Constitution.¹³

Hamilton left New York on August 1, arriving in London in September. He had a conference with Palmerston, but nothing definite came of it, and he proceeded to the continent to attempt to secure the loan. Receiving little encouragement, he returned to the United States, and in December he was in Texas, where he secured a resolution of Congress permitting him to assume five million dollars of the Mexican bonds in case recognition by Mexico were secured, and authorizing him to borrow money for the purpose. Henderson having been recalled Hamilton was commissioned as agent to Great Britain, and authorized to sign a treaty of amity, commerce, and navigation. He was also authorized to enter into an agreement with the holders of Mexican bonds.¹⁴ Before returning to Europe Hamilton wrote a letter to Palmerston, February 10, 1840, repeating his arguments for British mediation, and suggested further that Great Britain should threaten to recognize Texas if Mexico refused to agree to British mediation.¹⁵

On April 18, 1840, Hamilton was given a commission as diplomatic commissioner to the Netherlands and Belgium for the purpose of negotiating a treaty of recognition, and to conclude commercial treaties with those two countries. He proceeded direct to The Hague, where he concluded a treaty of amity, commerce and navigation with the Netherlands on September 18, 1840. He went from there to Brussels and initiated a treaty with the Belgium Government, which was broken off at that time, and he proceeded to England, arriving in London on September 27, when he found Palmerston so busily engaged on the Eastern question that no attention could then be paid to the claims of Texas.¹⁶

¹³Hamilton to Fox, May 20, 1839, *Dip. Cor. Tex.*, III, 867-871.

¹⁴The commission is dated December 20, 1839. *Dip. Cor. Tex.*, III, 877.

¹⁵Hamilton to Palmerston, February 10, 1840, enclosed in Hamilton to Lipscomb, February 25, 1840, *Dip. Cor. Tex.*, III, 887.

¹⁶See Hamilton to Jones, February 18, 1842, *Dip. Cor. Tex.*, III, 945, for a brief history of Hamilton's procedure.

It is evident that Palmerston had made up his mind to recognize Texas before the arrival of Hamilton, and when negotiations did begin they proceeded rapidly to a conclusion. On October 1 Hamilton addressed a brief formal note to Palmerston laying his credentials before the foreign minister, and asking for recognition on the grounds that Texas had *de facto* achieved her independence, and that she had established a government.¹⁷ On the 14th he laid before the British Government the arguments on which he based the claim of Texas to recognition. The reasons for the recognition and the consequences of failure, which Hamilton thought would appeal to Palmerston, were as follows:

Reasons why Great Britain ought to recognize the Independence of Texas & form a treaty with her.

1st. The future & rapidly increasing value of the Trade with Texas, under a judicious commercial Convention.

2nd. By this means she secures a great Cotton producer and important consumer of her Manufactures, as her customer & a friendly neutral in the event of a war with the United States—

3rd. The Recognition of Texas by Great Britain inevitably Superinduces peace between Mexico & Texas.

4th. Peace at this moment between Mexico & Texas will inevitably insure the payment of a portion of the Mexican debt by Texas.

5th. It likewise insures under the friendly mediation of England a permanent Boundary Line between Mexico & Texas, which will be inviolably observed by Texas, & repress the spirit of future conquest on the part of the Anglo-American race—

In case England does not recognize the following consequences are likely to follow—

1st. In sixty days from this day Vera Cruz, Tampico & Matamoros will be blockaded by the Texian Squadron, which consists of one Corvette, two Brigs, three Schooners & one naval Steamer, now off the Coast of Mexico, while Mexico will be destitute of all naval force whatsoever.

2nd. If Texas is informed that Great Britain will not recognize her Independence & that consequently there is no hope of peace with Mexico, she will forthwith join the Federalists, revolutionize the northern provinces of Mexico & make such additions to her territory as the laws of war would justify under the usages of civilized nations.

3rd. Great Britain has an obvious interest in avoiding a discriminating duty which will be levied against the productions of

¹⁷*Dip. Cor. Tex.*, III, 925.

all nations which have not recognized Texas & formed Commercial Treaties with her on or before the 1st of Feby. next.

4th. If Her Majesty's Government should decline recognizing I must avail myself of the present situation of public affairs in Europe & make the most beneficial arrangements I can with some continental nation giving it exclusive commercial advantages for a valuable equivalent.

5th. Texas greatly prefers a friendly alliance with England from all those considerations which are connected with a common origin— But if Great Britain refuses all international companionship with her, she will be driven to seek friendly & profitable associations elsewhere.¹⁸

Four days later Palmerston responded that Great Britain was willing to enter into negotiation for a treaty of commerce and navigation between Great Britain and Texas, "believing the time to be now come when the independence of Texas may be considered as being, *de facto*, fully established; and, when the interests of Great Britain require, that the commercial intercourse between Great Britain and Texas shall be placed under the security to be afforded by a Treaty." Having announced the willingness of his Government to negotiate a treaty, he laid down the condition that Texas at the same time should enter into a treaty to suppress the slave trade. The peculiar geographical position and internal arrangements of Texas, he said, made it incumbent on the British Government to make the conclusion of such a treaty a *sine qua non* condition of any other treaty between Great Britain and Texas. He sent with his letter the draft of a convention in which reciprocal right of search by naval vessels was provided for. The draft of the treaty, which was accepted by Hamilton with only slight modification, provided for the right of search by certain cruisers of merchant vessels, which might on reasonable grounds be suspected of being engaged in the slave trade, in order that, if found guilty they might be sent to their own country for adjudication before their own tribunals. The search should take place only on a specific warrant of the government to which the vessel to be searched belonged.

Hamilton's commission did not authorize him to sign such a convention, but he felt that the importance of recognition and a commercial treaty with Great Britain justified him in going beyond his instructions, and on the 20th he wrote Palmerston of his

¹⁸Adams, *British Interests and Activities in Texas*, 53.

willingness to sign the convention with minor changes, which was not so difficult to do since the Texan merchant vessel could engage in the slave trade and be under no danger of seizure except on warrant of the Texas authorities, and upon seizure it would be tried only in Texas courts.¹⁹ Preliminary articles for a treaty of amity, commerce, and navigation were agreed upon on November 5, and on the 13th the completed treaty was signed by Palmerston and Hamilton. On the following day a convention was signed which bound Texas to assume a million pounds sterling of the Mexican debt, if within six months Mexico had acknowledged the independence of Texas through British mediation. On the 16th the slave trade treaty was signed.²⁰

The commercial treaty and the mediation convention were sent out on December 3 by a special messenger, Arthur Ikin, and arrived in Texas early in January. They were laid before the Senate and promptly ratified without opposition. The slave trade treaty was sent by another messenger, A. T. Burnley, who was associated with Hamilton as loan commissioner. Burnley went by another route, and did not arrive in Texas until February 21, 1841, after the adjournment of Congress, and the ratification of that treaty was delayed until the following session. The British Government refused to exchange ratifications until all three of the treaties had been ratified by Texas, and it was not until June 28, 1842, that ratification was finally exchanged, the Texas Senate having ratified the slave trade treaty in January of that year.

It has been charged reasonably that Hamilton sent the slave trade treaty by a different messenger and by a different route in order to delay its receipt in Texas, for the reason that he feared the action of the Texas Senate on that convention. In his letter transmitting the commercial treaty and mediation convention he made no mention of the other treaty. It was a month later, January 4, 1841, when the slave trade treaty was transmitted. In his letter of transmittal to the secretary of state Hamilton went into considerable detail in explaining the reasons for his exceeding his instructions in the matter of the treaty. The trepidation that he

¹⁹Palmerston to Hamilton, October 18, 1840, and Hamilton to Palmerston, October 20, 1840, *British and Foreign State Papers*, XXIX, 617-621; *Telegraph and Texas Register*, January 12, 1842.

²⁰For the text of these treaties see Gammel, *Laws of Texas*, II, 880-885, 886-904; *British and Foreign State Papers*, XXIX, 80-83, 84-85, 85-96.

felt is also indicated by the letter he wrote to Lamar on the same date. After giving a history of the negotiations, he wrote:

I did not apprise you of the slave trade convention which I had to conclude with Lord Palmerston to ensure recognition, because I was fearful unattended by those explanations Mr Burnley might afford, it would be liable to misconstruction. Referring you to my letter to the Secretary of State, and my correspondence with Lord Palmerston, I have only to add that I am sure you will concur in the necessity of my acquiescing in such a convention, when Mr Burnley shows you the opinion of the Solicitor of the Bank of England, who advised us that no valid contract could be made in the security of the bonds of an unrecognized Government.²¹

Why Ikin could not have made the suitable explanations does not appear, though Hamilton informed Aberdeen, who had succeeded Palmerston in the foreign office, that he had sent the document by a man well qualified to press it on the people of Texas, and that the illness of his messenger in New York had prevented his arrival in time. He proceeded to press upon the British Government the negotiation of a new treaty granting extensive commercial privileges to Great Britain, but as this was in nowise a policy of the Texan Government, and was rejected out of hand by the British Government, I shall not discuss it here.²²

The failure of ratification of the treaties left the relations between Texas and Great Britain in the same situation as from the beginning. Though Hamilton was commissioned as minister plenipotentiary, he was unable to assume that dignity and was forced to continue only as diplomatic agent. The British Government did, however, in anticipation of the ratification of the Slave Trade Treaty appoint Charles Elliot, as consul-general to Texas, and toward the close of the year 1841, William Kennedy was sent as an agent to secure the ratification of the Slave Trade Treaty.²³

The treaty with the Netherlands negotiated by Hamilton in September, 1840, was promptly ratified by the Texan Senate. I have noted that Hamilton was negotiating a treaty with Belgium

²¹Hamilton to Lamar, January 4, 1841, *Dip. Cor. Tex.*, III, 929.

²²For the terms offered by Hamilton, see Adams, *British Interests and Activities in Texas*, 68-69.

²³*Dip. Cor. Tex.*, III, 942; Adams, ed., *British Correspondence Concerning Texas*, THE QUARTERLY, XV, 251, 252.

when it became necessary for him to leave for London. No satisfactory basis of agreement was reached between Hamilton and the Belgian Government until the fall of 1841. Under this agreement Texas would admit cotton and woolen goods, iron, and linen manufactured in Belgium at one-half the existing duty, while the same articles from other countries should be required to pay at the rate of 50 per cent ad valorem. Arms and ammunition were to be admitted free for the Belgians, while other countries were to pay a duty of 100 per cent ad valorem. The coasting trade was to be free to Belgian ships the same as to Texan. In return for all these concessions, Belgium was to guarantee a loan of 37,000,000 francs by a specific endorsement of the bonds of the republic of Texas. This extremely disadvantageous treaty was rejected promptly by the Texan Senate on October 20, 1841.²⁴

The other European country that showed active interest in Texas was France, and it was to France that the new republic turned for finances when other sources failed them. The fact that France was never able to contribute to the financial needs of Texas by either furnishing or guaranteeing a loan did not for a long time dampen the ardor of the loan commissioners, who were prolific with schemes for securing a loan. But the first interest of Texas was in securing the recognition of independence by France, as well as by the other European powers.

When Henderson withdrew from London in April, 1838, he went immediately to Paris, where he found a much less indifferent attitude than he had found in London. It will be remembered that France was just entering upon the blockade of Mexican ports, which might be expected to create an interest on the part of France in the claims of Texas. On account of the interest of the Government in the Mexican matter, Henderson was not received until May 31, and at that time he was given no assurance that his request for recognition would be favorably acted upon; but the Government immediately instructed the French minister at Washington to send one of his secretaries to Texas in order to report on the conditions there. Alphonse de Saligny was sent, though he did not make his report until late summer of 1839. On October 1 the foreign minister, Count Molé informed Henderson that the Government was disposed to wait until the re-

²⁴*Secret Journals of the Senate*, 222, 224.

ceipt of the report of their agent before extending recognition. At the same time Molé requested Henderson to remain in Paris, as France was desirous of making a commercial arrangement with Texas that would serve to encourage commerce until the time of recognition, to which Henderson readily assented.²⁵ Early in November Henderson signed on the part of his Government an agreement similar to that entered into with Great Britain—"Until the mutual relations of France and Texas are regulated in a complete and definitive manner, the Citizens, the vessels and the Merchandize of the two Countries shall enjoy in every respect in each of the Countries the treatment accorded, or which may eventually be accorded to the most favored Nation, conformably moreover to the Respective Usages."²⁶

In April, 1839, Admiral Baudin, minister plenipotentiary to Mexico and commander of the French naval forces in the Gulf of Mexico, who had been blockading the Mexican ports while treating with the Mexican Government, sent the Abbé M. B. Anduze to Texas for the purpose of agreeing to joint action on the part of Texas and France should hostilities between France and Mexico be renewed. This action was in response to an informal expression of Lamar to the French consul at New Orleans before he had determined to send a diplomatic agent to Mexico. "You will perceive, Mr. President," he wrote,

by the letter of the Admiral, which I have the honor to deliver to your Excellency, that I am authorized to enquire into that matter. With every disposition of the Admiral to meet the Government of Texas in an agreement, which shall be mutually beneficial and satisfactory, permit me therefore to ask.

First, What would be the nature of the co-operation of Texas in the event of a new war between France and Mexico?

Second, What would be the extent of your demands, in money, war ammunitions, means of transportation, etc.?

Third, What would be the guarantees offered for the reimbursement of the advances thus made?

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Though this Mission of mine, Mr. President does not proceed directly from the French Government, as the propositions will, I hope, be mutually advantageous, both to you and to France, The

²⁵Henderson to Irion (and enclosures), October 5, 1838, *Dip. Cor. Tex.*, III, 1220.

²⁶*Dip. Cor. Tex.*, III, 1233-1234.

Admiral Baudine will feel it his duty to obtain the approbation and sanction of his Government.²⁷

To this communication Lamar responded through the secretary of state that until the result of the peace mission to Mexico should be known no agreement could be made for future hostilities; but that in the event of hostilities in the future Texas would gladly co-operate with France, and would bring into the field at the shortest notice twenty thousand soldiers and more if required—which, of course, was impossible—provided France advance the money necessary to a successful prosecution of the war.²⁸ Admiral Baudin visited Texas in May and was received with much honor and ceremony, which materially advanced the cordial relations of Texas and France.

Saligny, who had been sent as agent to Texas in 1838, made his report in the summer of 1839. This report has not been found, but it must have been favorable as Marshal Soult, who had succeeded Molé as minister of foreign affairs, in July informed Henderson that the French Government had determined to recognize the independence of Texas, but that they preferred to do it in the nature of a commercial treaty. Henderson demurred at this, preferring to receive recognition before entering into negotiations for a commercial treaty, as it would give him a better chance to negotiate as an equal. He was unable to change the French ministry, however, and in September signed a treaty of commerce which carried with it the recognition of Texan independence. Thus France was the first European country to recognize the independence of Texas. The treaty was promptly ratified by the Texas Senate, and Alphonse de Saligny was sent as chargé d'affaires to the newly recognized republic.²⁹

From this time until the close of the Lamar administration there were few striking developments in the relations between France and Texas. France did not find it necessary to go to war with Mexico again, and Texas adopted her own policy toward

²⁷Anduze to Lamar, April 18, 1839, *Dip. Cor. Tex.*, III, 1244-1245.

²⁸Webb to Baudin, April 25, 1839, *Dip. Cor. Tex.*, III, 1246.

²⁹Christian, "Tariff History of the Republic of Texas," *THE QUARTERLY*, XX, 336-337; Gammel, *Laws of Texas*, II, 655. This treaty was signed by the plenipotentiaries on September 25, by the King of France, October 2, and ratified by the Texas Senate on January 14, 1840. Ratification was exchanged on February 14, 1840, the certificate of ratification being signed by Saligny and Abner S. Lipscomb, Texan secretary of state.

Mexico. In the winter of 1840-1841 Saligny made himself obnoxious to the Government by his strenuous advocacy of the notorious Franco-Texienne bill, which the Houston party was attempting to pass over the opposition of the administration. The opposition of the Government to the bill induced a coolness on the part of Saligny, and the assault by a Mr. Bullock on the servant of Saligny led to a disgraceful quarrel between Saligny and the secretary of state, resulting in a request for the recall of the French chargé d'affaires. It had no other effect than the possible one of defeating the loan negotiations in France. Saligny calmly waited until the close of Lamar's administration, when he knew the new President would be more friendly to himself and his colonization projects.

To conclude, in foreign affairs the Lamar administration was notably successful. At its beginning only the United States had acknowledged the independence of Texas, and no commercial rights were recognized by any country; while at its close independence had been recognized by France, the Netherlands, Great Britain, and Belgium, and favorable commercial treaties had been adopted with France, Great Britain, and the Netherlands. A notable failure was the attempt to conciliate Mexico, but in that case the failure does not prove the policy unwise. The policy was advised and abetted by the United States and Great Britain, and though the Houston party criticised it, Houston found it necessary to adopt a similar policy after the beginning of his second administration.

(To be concluded.)